

LEWIS, CLIFTON & NIKOLAIDIS, P.C.

ATTORNEYS AT LAW

350 SEVENTH AVENUE

SUITE 1800

NEW YORK, N.Y. 10001-5013

(212) 419-1500

FACSIMILE

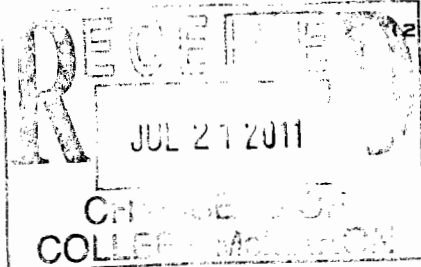
(212) 419-1510

DANIELE E. CLIFTON
LOUIE NIKOLAIDIS
ELAINE L. SMITH

JULIAN GONZALEZ

OF COUNSEL
MARK J. LOPEZ*

* ADMITTED IN NY AND NJ
* ADMITTED IN NY, NJ AND IL



USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/22/11

EVERETT E. LEWIS (1924-2007)

NEW JERSEY OFFICE
340 GEORGE STREET
NEW BRUNSWICK, N.J. 08901
(732) 690-0100

MEMO ENDORSED

July 21, 2011

VIA FACSIMILE (212) 805-6326

Hon. Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Oakley et. al. v. Verizon Communications, Inc. et al.,
09 Civ. 9175 (MHD)

Dear Judge McMahon:

We represent the plaintiffs in the above referenced matter. We are in receipt of the Court's order dated July 20, 2011, striking plaintiffs' declarations and memorandum of law. We apologize for not indicating our facts under a single heading "Statement of Facts." Our intention was not to circumvent the Court's rules.

Yesterday, the Court ordered plaintiffs to file a revised memorandum of law within ten days, i.e., by Saturday, July 30, 2011. Because the attorneys and staff assigned to this case are either currently on vacation or have scheduled vacations for next week, plaintiffs respectfully request an additional seven days to file their brief (by August 6, 2011). Counsel for defendants has advised me that defendants oppose this request on the following grounds: (1) it is inconsistent with the spirit of the Court's order which envisions an expedited process for the refiling of plaintiff's motion papers, (2) it will delay further the resolution of this case, and (3) it would create conflicts with the vacation schedules of the defense team.

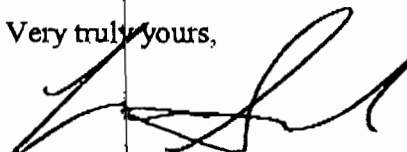
Plaintiffs do not believe that a modest seven day extension of time would undermine the spirit of the Court's order, nor would unduly delay the resolution of this case. Because plaintiffs are well aware of the importance of vacation, especially in the summer when children are out of school, as well as the cost and difficulty of cancelling previously scheduled vacations, we are certainly willing to accommodate the defense team's vacation schedules and will consent to their

Handwritten notes:
I did not
make
I will grant the
extension at
my discretion
to accommodate
the defense team
7/21/11

request for an extension of time, if needed.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Elaine Smith', written over the closing 'Very truly yours,'.

Elaine Smith

cc: Lorie E. Almon, Esq.
Krista Green Pratt, Esq.
Christie Del Rey-Cone, Esq.
Daniel E. Clifton, Esq.
Gabrielle Semel, Esq.
Mary K. O'Melveny, Esq.